

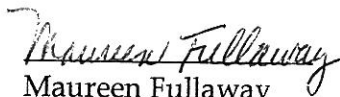
Borough of Belmar
Master Plan Housing Element
and Fair Share Plan


Prepared For:
Mayor and Council
And
Borough of Belmar Planning Board

*
Borough of Belmar
Monmouth County, New Jersey

Prepared By:

AFFORDABLE HOUSING ADMINISTRATORS


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Adopted by Resolution by the Borough of Belmar Planning Board on: December 15, 2008

Endorsed by the Belmar Council on: December 29, 2008

The original of this master plan was signed and sealed in accordance with N.J.S.A. 45:14A-12.

HONORABLE KENNETH PRINGLE, MAYOR

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I. INTRODUCTION

Pursuant to the Municipal Land Use Law (40:55D-28.b(3)), a Master Plan may, where appropriate, contain a Housing Element. Pursuant to section 10 of P.L. 1985, c. 222 (C. 52:27D-310), a municipality's Housing Element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing.

COAH adopted third round rules which went into effect on December 20, 2004. In 2006, the Borough prepared a Housing Element and Fair Share Plan consistent with the new regulations. On August 21, 2006, the Borough Planning Board adopted a Housing Element and Fair Share Plan, and on September 27, 2006, the Borough Council endorsed the Housing Element and Fair Share Plan. The Borough petitioned COAH for substantive certification on October 10, 2006.

Prior to COAH action on the Borough's petition, COAH's third round regulations were challenged by various parties and they were invalidated, in part, by the Appellate Division in In Re Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied, 192 N.J. 72 (2007). On May 6, 2008 COAH adopted revised Third Round regulations in response to the Appellate Division Decision, and became effective on June 2, 2008. Municipalities that are currently under COAH's jurisdiction, or like Borough of Belmar desire protection from builder's remedy lawsuits, have until December 31, 2008 to file a Revised Housing Element and Fair Share Plan with COAH or re-petition COAH with a Revised Housing Element and Fair Share Plan for substantive certification to remain under COAH's jurisdiction and retain protection from a builder's remedy suit.

This 2008 Housing Element and Fair Share Plan addresses Belmar's Third Round housing obligation in accordance with the new regulations.

PLAN REQUIREMENTS

Pursuant to Section 10 of P.L. 1985, C. 222 (C:52:27D-310) a Housing Element must contain at least the following:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
- b. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next ten (10) years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share of low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low and moderate income housing;
- f. A consideration of the lands most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;

In addition to the requirements of the Municipal Land Use Law and Section 10 of P.L. 1985, C. 222 (C:52:27D-310), N.J.A.C. 5:97-2.3 requires that the Housing Element include the following:

1. The household projection for the municipality as provided in Appendix F;
2. The employment projection for the municipality as provided in Appendix F;
3. The municipality's prior round obligation (from Appendix C);
4. The municipality's rehabilitation share (from Appendix B);
5. The projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4; and
6. An inventory of all non-residential space by use group that was fully vacant as of the date of petition, to the extent feasible.

Supporting information to be submitted to COAH shall include:

1. A copy of the municipal master plan;
2. A copy of the most recently adopted municipal zoning ordinance; and
3. A copy of the most up-to-date tax maps of the municipality, electronic if available, with legible dimensions.

This 2008 Housing Element and Fair Share Plan replaces all previously adopted housing elements and fair share plans, and is hereby incorporated into the Borough's comprehensive master plan as the official Housing Element.

II. HOUSING ELEMENT

The Housing Element provides an inventory of Borough of Belmar's housing stock, and an analysis of the Borough's demographic and employment characteristics.

DEMOGRAPHIC CHARACTERISTICS

POPULATION GROWTH

While population growth in Monmouth County as a whole has been increasing since 1930, the Borough's resident population has been decreasing. In 1990, the resident population of Belmar Borough decreased by 13.2 percent over the 1980 population, and based on a 2003 U.S. Census estimate, has decreased by 1.1 percent since 2000.¹ Because the Borough is essentially built-out, population increases could only be attributed to redevelopment at higher densities, or the conversion of seasonal dwellings to permanent residences. In the absence of such redevelopment, Borough officials project that this downward trend in the resident population will not only continue, but will likely accelerate, as market forces in the form of strong demand for Jersey Shore real estate result in the replacement of multi-family homes with single-family homes, and the sale of existing homes and condominiums that are currently occupied on a year-round basis to purchasers who intend to use them as second homes. This projection is supported by enrollment figures at the Belmar Elementary School, which reflect a steady decline in peak Average daily enrollment from 700 students in the 1997-98 school year to 542 students in the 2005-2006 school year.

¹ Unless otherwise indicated, all data is from the U.S. Census Bureau.

Table 1
Population Growth for Belmar Borough and Monmouth County, 1930 – 2003

Year	Belmar Borough	Population Change		Monmouth County	Population Change	
		Number	Percent		Number	Percent
1930	–	–	–	147,209	–	–
1940	3,435	–	–	161,238	14,029	9.5
1950	4,636	1,201	34.9	225,327	64,089	39.7
1960	5,190	554	11.9	334,401	109,074	48.4
1970	5,782	592	11.4	461,849	127,448	38.1
1980	6,771	989	17.1	503,173	41,324	8.9
1990	5,877	-894	-13.2	553,124	49,951	9.9
2000	6,045	168	2.8	615,301	62,177	11.2
2003 (U.S. Census Bureau Estimate)	5,975	-70	-1.1	632,274	16,973	2.7

AGE

The distribution of age in Belmar Borough has changed despite the fact that population has remained relatively stable. Between 1990 and 2000, the 45 to 59 year-old cohort experienced the greatest change, increasing by 59.8 percent. Another substantial change in age distribution was a decrease in the number of residents ages 60 to 74 by 25.4 percent in 2000.

Table 2
Age Cohorts, Belmar Borough, 1990 and 2000

Age	1990	2000	Number Change	Percent Change
Under 5	339	293	-46	-13.6
5 to 19	757	857	100	13.2
20 to 44	2,621	2,570	-51	-1.9
45 to 59	722	1,154	432	59.8
60 to 74	925	690	-235	-25.4
75 to 85+	513	481	-32	-6.2
Median Age	35.7	38.5		

INCOME

Between 1989 and 1999, median household income increased by 41 percent, from \$31,667 in 1989 to \$44,896 in 1999. During the same time, the number of households earning \$150,000 or more increased very significantly, by 1,487.5 percent, and the number of households earning less than \$34,999 also decreased significantly.

Table 3

Household Income, Belmar Borough, 1989 and 1999

Household Income	1989	1999	Number Change	Percent Change
Less than \$10,000	285	219	-66	-23.1
\$10,000 to \$14,999	263	160	-103	-39.2
\$15,000 to \$24,999	470	292	-178	-37.9
\$25,000 to \$34,999	486	409	-77	-15.8
\$35,000 to \$49,999	469	535	66	14
\$50,000 to \$74,999	433	593	160	37
\$75,000 to \$99,999	177	313	136	76.8
\$100,000 to \$149,999	119	288	169	142
\$150,000 or more	8	127	119	1,487.5
Total	2,710	2,936	226	8.3
Median household income in 1989	\$31,667			
Median household income in 1999	\$44,896			

HOUSEHOLD SIZE

Compared to Monmouth County and the State, Belmar consistently has a much smaller average household size. In 2000, Belmar had slightly above 2 persons per household, while the County and State average was closer to 3 persons per household. Compared to 1990, the average household size in the Borough has decreased by .10 persons. Consistent with the County and State averages, Borough renter-occupied households are typically smaller than owner-occupied households.

Table 4

Comparative Average Household Size, 1990 & 2000

Average Household Size	Belmar Borough		Monmouth County	New Jersey
	1990	2000	2000	2000
All Households	2.15	2.05	2.70	2.68
Owner occupied	2.40	2.25	2.87	2.81
Renter occupied	1.95	1.86	2.21	2.43

HOUSING CHARACTERISTICS

NUMBER AND TYPE OF UNITS

In 2000, Belmar Borough had a total of 3,994 housing units. The majority (49 percent) was single-family, detached units, followed by multi-family units (45.7 percent). Due to the shore location of the Borough, more units in the Borough are rentals than owner-occupied, and the number of vacant units is significant. Rental units account for 51.8 percent of total occupied housing units; owner-occupied units represented 48.2 percent.

Table 5

Housing Units by Number of Units in Structure, 2000

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Number of Units	Owner-Occupied	Rental	Vacant	Total	Percent
1, Detached	993	432	544	1,969	49.2
1, Attached	43	82	63	188	4.7
2 to 4	124	471	222	817	20.4
5 to 9 units in structure	26	71	40	137	3.4
10 or more	200	495	181	876	21.9
Mobile	7	-	-	7	0.2
Total	1,393	1,551	1,050	3,994	100

OCCUPANCY

Between 1990 and 2000, the number of occupied and vacant housing units remained relatively stable. While the number of occupied units increased by 3.7 percent during that period, the number of vacant units simultaneously decreased by 3.7 percent.

Table 6
Occupied and Vacant Housing Units

	1990		2000	
	Number	Percent	Number	Percent
Occupied Housing Units	2,718	70	2,946	73.7
Vacant Housing Units	1,170	30	1,050	26.3
TOTAL	3,888	100	3,996	100

Both homeowner and rental vacancy rates decreased between 1990 and 2000. These changes indicate a healthy housing market in Belmar Borough.

Table 7
Vacancy Rates

	1990	2000
Homeowner Vacancy Rate	9.3	2.7
Rental Vacancy Rate	15.2	10.1

AGE OF HOUSING STOCK

According to the 2000 census, the majority (68.7 percent) of the housing stock in Belmar was built before 1960. Up to the year 2000, the number of new housing units constructed decreased steadily, aside from a slight increase from 1995 to 1998. As of March 2000, 1946 was the median year of housing built. It should be noted that Belmar experienced another housing boom between the years 2000 to 2007. This housing boom is not reflected in the 2000 Census.

Table 8
Age of Housing Stock

Year Built	Total Units	Percent
1999 to March 2000	25	0.6
1995 to 1998	60	1.5
1990 to 1994	36	0.9
1980 to 1989	179	4.5
1970 to 1979	519	13
1960 to 1969	434	10.9
1940 to 1959	1,013	25.4
1939 or earlier	1,730	43.3
Total	3,996	100
Median Year Built – 1946		

HOUSING VALUE

In 2000, the majority of housing units in the Borough was valued between \$100,000-\$299,000. The median housing value in 2000 was \$176,300. Given the increases in housing prices since 2000, it is estimated that housing values have increased substantially over their 2000 values.

Table 9
Housing Value, 2000

Specified Owner Occupied Units	Number	Percent
Less than \$50,000	-	0
\$50,000 to \$99,999	194	13.9
\$100,000 to \$149,999	319	22.9
\$150,000 to \$199,999	308	22.0
\$200,000 to \$299,999	290	20.7
\$300,000 to \$499,999	212	15.2
\$500,000 to \$999,999	72	5.2
\$1,000,000 or more	-	0
TOTAL	1,395	100
Median Value – \$176,300		

In 2000, 43.8 percent of contract rents in the Borough were between \$500 to \$749, followed closely by 34.3 percent in the \$750 to \$999 price range. These figures do not include seasonal rental prices. The median contract rent was \$694. It is likely that rents increased after the 2000 Census was completed.

Table 10
Contract Rents, 2000

Renter Occupied Units	Number	Percent
Less than \$250	55	3.8
\$250 to \$499	139	9.5
\$500 to \$749	641	43.8
\$750 to \$999	501	34.3
\$1,000 or more	126	8.6
Total	1,462	100
Median Contract Rent - \$694		

QUALITY INDICATORS

According to U.S. Census data, 2.4 percent of units were overcrowded, which means that more than one person per room lived in the unit. In 2000, only 0.6 percent of occupied units lacked complete plumbing facilities, 0.5 percent lacked complete kitchen facilities, and 0.2 percent lacked central heating facilities. In terms of age, over 43 percent of all units were constructed before 1940, which becomes an issue if units are not maintained.

Table 11
Quality Indicators, Occupied Housing Stock, 2000

	Number	Percent
Built before 1940	1,730	43.3
Overcrowded	73	2.4
Lacking complete plumbing	17	0.6
Lacking complete kitchen facilities	15	0.5
Lacking central heating	6	0.2
Total Housing Units	3,996	—

Employment Characteristics

Introduction

This analysis looks at employment in two ways: through an analysis of at-place employment and employment characteristics of residents within Belmar Borough. At-place takes into account all businesses and employed workers within Belmar Borough. Resident employment characteristics are taken from the US Census, and include all residents of Belmar even if they work elsewhere.

At Place Employment

The US Department of Labor reported that in 2003, there were 227 businesses located in Belmar employing 1,786 people. As seen in the table below, Retail trade and Accommodation & food services

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were the top two industries located in Belmar, accounting for 40.1% of all establishments. Examples of Retail trade industry positions, according the North American Classification System (NAICS) include new and used car dealers, furniture sales, electronics sales, jewelry store sales and florists. Examples of Accommodation & food services include hotels and restaurants.

Table 12
At-Place Employment
Belmar Borough, 2003

Jurisdiction	Average Annual Number of Businesses	Average Annual Number of Employees
Belmar	227	1,786

Source: New Jersey Department of Labor, Employment and Wages: 2003 Annual Report, NAICS

Table 13
Types of Businesses
Belmar Borough, 2003

Type of Industry	Number	Percent
Construction	22	9.7%
Wholesale trade	8	3.5%
Retail trade	46	20.3%
Transportation & warehousing	10	4.4%
Finance & insurance	6	2.6%
Real estate & rental & leasing	3	1.3%
Professional, scientific & technical service	16	7.0%
Admin, support, waste mgt, remediation service	12	5.3%
Health care and social assistance	9	4.0%
Arts, entertainment & recreation	6	2.6%
Accommodation & food services	45	19.8%
Other services (except public administration)	26	11.5%
Unclassified	18	7.9%
Total	227	100%

Source: New Jersey Department of Labor, Employment and Wages: 2003 Annual Report, NAICS

Job Locations

In 2000, the residents of Belmar were split between working in another Monmouth County municipality besides Belmar (51.9%) and all other workers. Approximately 30% worked in a NJ County other than Monmouth and 14% in the Borough of Belmar. The remaining five percent worked outside of the State.

*Borough of Belmar, Monmouth County
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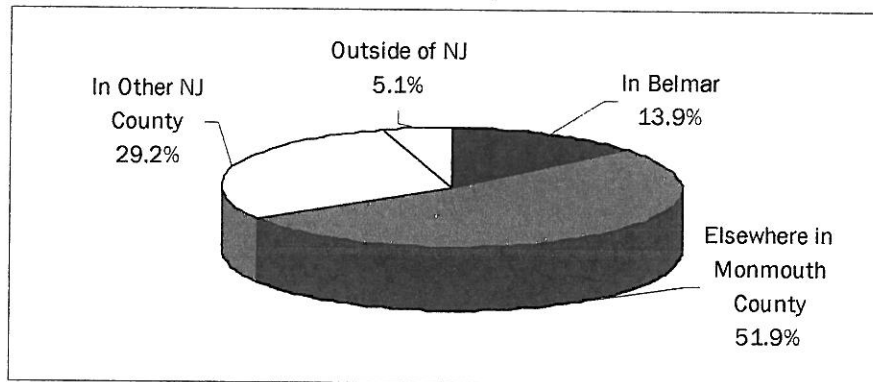
	Number	Percent
Armed Forces	7	0.1
Not in labor force	1,609	31.5
OCCUPATION		
Management, professional, and related occupations	1,333	40.1
Service occupations	461	13.9
Sales and office occupations	924	27.8
Farming, fishing, and forestry occupations	0	0
Construction, extraction, and maintenance occupations	314	9.4
Production, transportation, and material moving occupations	292	8.8
INDUSTRY		
Agriculture, forestry, fishing and hunting, and mining	0	0
Construction	240	7.2
Manufacturing	230	6.9
Wholesale trade	123	3.7
Retail trade	385	11.6
Transportation and warehousing, and utilities	204	6.1
Information	172	5.2
Finance, insurance, real estate, and rental and leasing	250	7.5
Professional, scientific, management, administrative, and waste management services	420	12.6
Educational, health and social services	690	20.8
Arts, entertainment, recreation, accommodation and food services	329	9.9
Other services (except public administration)	94	2.8
Public administration	187	5.6
CLASS OF WORKER		
Private wage and salary workers	2,577	77.5
Government workers	513	15.4
Self-employed workers in own not incorporated business	234	7
Unpaid family workers	0	0
MEDIAN EARNINGS		
Male full-time, year-round workers	\$40,557	--
Female full-time, year-round workers	\$34,323	--

Source: US Census 2000, Summary File 3 (SF3)

Employment Outlook

The New Jersey Transportation Planning Authority (NJTPA) has completed employment projections for 2005 – 2030 for Belmar Borough. NJTPA projects that the number of jobs in Belmar will decrease by 60 from 940 jobs in 2005 to 880 jobs in 2030.

**Table 14
Job Location
Belmar Borough, 2000**



Source: US Census 2000, Summary File 3 (SF3)

Employment Characteristics

The following table presents characteristics of Belmar's labor force, including the most common occupations and industries of Belmar residents, in addition to their median earnings. Noteworthy statistics from the 2000 US Census include:

- 68.5% of residents were in the labor force;
- The Borough had a 4.8% unemployment rate;
- The most common occupation was *Management, professional, and related* accounting for 40% of residents' occupations;
- The most common industry was *Educational, health and social services* accounting for 20.8% of residents' industry;
- The median earnings for a full-time male employee in Belmar was \$40,557;
- The median earnings for a full-time female employee in Belmar was \$34,323.

**Table 15
Employment Status of Belmar Labor Force**

EMPLOYMENT STATUS	Number	Percent
Population 16 years and over	5,108	100
In labor force	3,499	68.5
Civilian labor force	3,492	68.4
Employed	3,324	65.1
Unemployed	168	3.3
Percent of civilian labor force	4.8	(X)

FAIR SHARE OBLIGATION

This section includes a determination of the Borough's present and prospective fair share for low and moderate income housing, and with that, an analysis of how the Borough will accommodate its fair share.

Rehabilitation Share

The rehabilitation share is the number of existing housing units in a municipality as of April 1, 2000 that are both deficient and occupied by households of low or moderate income. As indicated in N.J.A.C. 5:97-1 et seq. Appendix B, Belmar's rehabilitation share is 55 units.

Prior Round Obligation

As indicated in N.J.A.C. 5:97-1 et seq. Appendix C, the prior round housing obligation for Belmar is 59 units.

Growth Share Obligation

The growth share obligation is initially calculated based on projections. The projections are based on New Jersey Department of Labor and Workforce Development county projections, which are allocated to the municipal level based on historical trends for each municipality and the extent to which each municipality approaches its physical growth capacity. The projections of household and employment growth are converted into projected growth share affordable housing obligations by applying a ratio of one (1) affordable unit among five (5) residential units projected, plus one (1) affordable unit for every 16 newly created jobs projected. Based on the household and employment projections for Belmar indicated in the table COAH prepared entitled "Total Projected Growth Share, proposed 6/16/08", and before accounting for exclusions as per NJAC 5:97-2.5, the Borough's projected growth share obligation is 15 affordable units (see Table 16 below).

infrastructure capacity, such as stormwater control, has been based upon traditional high impervious surface coverages which will be reduced through redevelopment. Other capacity issues will be addressed through upgrades to underground sanitary lines as they breakdown and require replacement, thereby reducing inflow and infiltration of stormwater.

Land Uses

Belmar is primarily built-out in nature, and residential and non-residential growth will occur in the The Seaport Village Redevelopment area described below.

- *The Seaport Village*

The Seaport Village Redevelopment Area, which was designated by the Planning Board in 1996 as an “area in need of redevelopment” pursuant to the Local Housing and Redevelopment Law, is the portion of Belmar’s commercial district from the Shark River Inlet south to Eighth Avenue, and also includes the former Seacoast Chevrolet site at the southeast corner of Eighth and Main Street. The Mayor and Council adopted the Seaport Redevelopment Plan for this area in 2003. Shortly thereafter, the New Jersey Department of Transportation designated Belmar a Transit Village.

Belmar’s redevelopment philosophy is that growth is not “smart” unless it is inclusive. As a result, the Borough’s vision is to attract a diverse group of new residents including both young couples and “empty nesters,” senior citizens, and existing residents of Belmar looking to downsize, as well as those who want to buy a second home at the Shore. New housing will include a mix of “for-sale” and rental units, including townhouses, in different sizes and price ranges. The redevelopment plan requires that redevelopers be responsible for the growth share obligation their projects generate. They have the option, subject to the Borough’s approval, of either building the units in the redevelopment area, making an “in kind” contribution by providing qualifying affordable units consistent with the approaches described in this plan, or making a payment to the Borough *in lieu* of constructing the affordable units. At least 75 of the new units will be affordable and regulated by COAH guidelines. Of these, 59 units will be used to satisfy the Borough’s second round unmet need. In accordance with *N.J.S.A. 5:94-4.21*, at least ten percent of any affordable townhouses must be accessible as defined in the Barrier Free Subcode at *N.J.A.C. 5:93-7*. The Borough intends to exceed this goal, and also to require that all affordable senior housing be designed with specific features, including door widths, bathroom size and location, and the design of access to the unit, to

Table 16
COAH 2004-2018 Projections and Growth Share Obligation,
Borough of Belmar (Monmouth County)

COAH 2004-2018 Projections	Ratio	Growth Share Obligation (in affordable units)
26 units	1 affordable unit per 5 residential units	5.20
156 jobs	1 affordable unit per 16 jobs	9.75
Total		15 (rounded up)

Source: COAH's table entitled "Rehabilitation Share, Prior Round Obligation & Growth Projections based on amendments to NJAC 5:97 adopted September 22, 2008."

Belmar may subtract allowable exclusions under NJAC 5:97-2.4(a)1 and NJAC 5:97-2.4(b)1 from their household and employment projections. In this case there are no allowable exclusions. Therefore, the Borough's total growth share obligation is 15 units (see Table 17).

Table 17
Growth Share Obligation
Borough of Belmar (Monmouth County)

Residential Growth Share	Plus	Non-Residential Growth Share	Total Growth Share
5.20	+	9.75	15

Analysis of Existing Conditions

The Borough's existing and future conditions in terms of infrastructure, land uses, economic development policies, and environmental constraints must be considered first as a basis for the Borough's plan to accommodate its fair share.

Infrastructure

Belmar's infrastructure including roads, water, and sewer is fully developed. Any new development in town is likely to occur in the form of redevelopment and infill. As noted in the Borough's 2004 Cross Acceptance Report, infrastructure capacity will be affected primarily by redevelopment of the downtown. Impacts of redevelopment projects on utility and road capacity will be addressed on a project-by-project basis with improvement costs paid by redevelopers as necessary. Some

make it easier for people who develop a mobility to impairment to live in and visit. The rehabilitation of the existing housing stock will also be prioritized, especially for low and moderate income residents.

Historically another redevelopment area called "The Beachfront" was designated in 2002, but no redevelopment plan was adopted. The Borough has since abandoned this redevelopment plan. This area is described below.

▪ *The Beachfront*

The area is located on Ocean Avenue along Thirteenth Avenue and consists of Block 130, Lots 1, 2 and 26 and Block 120, Lots 17-18 and 1. The plan proposed for the area called for new residential construction and rehabilitation of existing residential structures. Market forces are at work in this area, and much of the proposed redevelopment appears to be occurring or about to occur without the need for adoption of a redevelopment plan.

Economic Development Policy

The ultimate vision for The Seaport Village Redevelopment Area is the creation of an enhanced town center where new housing, retail stores, restaurants, offices and structured parking will replace obsolete buildings and uses. The primary purpose of the plan is to reverse the Borough's population decline, inject pedestrian life into the downtown, and create an economically viable business district by introducing mixed use buildings characterized by residential condominiums, apartments and some offices on upper floors above new ground floor retail stores and restaurants. In addition, the redeveloper agreements will require that all of the buildings meet Leadership in Energy & Environmental Design ("LEED") standards for energy efficient building design. Because of this requirement, the new affordable housing units will cost less to maintain, create healthier living environments, reduce energy consumption, and result in more durable units. (More information about green building can be found on the New Jersey Green Homes Office webpage at www.state.nj.us/dca/dh/gho).

Environmental Constraints

The Borough is essentially built-out, and any significant environmental constraint associated with development would be in flood prone areas and the coast (beach area). The coast is designated as a Critical Environmental Site in the State Development and Redevelopment Plan Policy Map, and the Borough supports beach protection measures.

The New Jersey Department of Environmental Protection (NJDEP) regulates development along the State's coast through the Coastal Area Facilities Review Act (CAFRA). The entire Borough comes under CAFRA jurisdiction.

FAIR SHARE PLAN

The following provides a plan indicating how the Borough will meet its fair share obligation.

Rehabilitation Share

The Borough's rehabilitation component for the Third Round is 55 units. The Borough participates in Monmouth County's housing rehabilitation program, which offers substantial residential rehabilitation to eligible homeowners in the County on a first-come, first-served basis. Since April 1, 2000, 48 units in the Borough have been substantially rehabilitated and brought up to building code standards. The average cost of rehabilitation of the units was over \$15,000. The units were rehabilitated utilizing RCA monies therefore the Borough is not requesting credits for these units. As allowed in COAH's rules, the Borough plans to satisfy its rehabilitation component through a combination of new construction and rehabilitation.

Accessory Structures

Belmar has experienced a tremendous decline (approximately 25 percent) in its population between ages 60-74. Borough officials expect this trend to continue due to rising rents, conversions of rental properties to owner occupied properties, and continued increases in second home ownership. Also due to existing single family zoning restrictions, purchasers of units are required to demolish the accessory structures as a condition of expanding or replacing the primary structure. To address the issue of a declining housing market that senior citizens can afford, the Borough adopted an ordinance permitting accessory structures to be converted to year round rental units for senior citizens. It is quite common throughout the Borough to find a larger main house at the front of a property with a smaller residential structure(s) at the rear. Often the rear residential structures are

limited to use as summer rentals because they lack heat or insulation. (Because all residential zoning in Belmar is single-family, these accessory seasonal dwelling structures are non-conforming uses and cannot be converted to year-round use without a use variance). They may also be deteriorated. The Borough will offer optional subsidies for the conversion. The Borough will also seek grants and other subsidies to encourage the inclusion of high-efficiency and alternative energy systems in these units, so that the utility costs are affordable as well.

There are several ways that accessory apartments can be developed. First, in accordance with COAH rules, the Borough will offer a \$25,000 subsidy to bring the rear property up to residential building code standards. Funding for this program will be paid for by fees and *in lieu* payments from developers that have been deposited in the Borough's affordable housing trust fund. Second, the Borough will encourage developers to work directly with homeowners to reach agreement to subsidize an accessory apartment. This type of funding would be considered an "in kind" payment from developers. Third, a developer may purchase a property that has a primary structure in front and an accessory unit in the back. The developer would improve the accessory structure, which would then become a year round residential unit for a senior citizen. The accessory unit would be deed restricted for ten years. When the primary home is sold, the ten year deed restriction on the accessory unit remains with the title.

No matter how it is funded, in keeping with COAH rules, the accessory unit must be affirmatively marketed and deed restricted for use by low or moderate income senior citizens for 10 years. Up to fourteen (14) of these accessory units will generate an affordable housing credit towards satisfying the second round unmet need, which represents the maximum number of age-restricted units that may be applied to the Borough's second round need of 59 new construction units. (No more than 25% of the municipal new construction need may be satisfied with age-restricted units.) Any subsidized accessory unit in excess of fourteen (14) units will help satisfy the Borough's growth share component. Accessory apartments are exempt from affordability averages set forth in UHAC. However, the maximum rent for a moderate income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income.

The Borough will also offer subsidies less than \$25,000 to bring accessory units up to code standard. In this case, the rear property does not need to be affirmatively marketed, but must be

free of code violations, deed restricted for 10 years, and rented to a senior citizen. The renters must qualify as low or moderate income and rents must be set in accordance with COAH policy. Each unit will be used to satisfy the Borough's 55 unit rehabilitation component.

Belmar also encourages owners of homes with accessory structures to renovate the accessory apartments on their own, without subsidies, and subsequently rent them to senior citizens. These units would not require a deed restriction and the renters would not have to qualify as low or moderate income. The units would not have to be affirmatively marketed, so that a homeowner could rent the accessory unit to a family member.

Conversion of Main Structures to Year Round Residences

It is anticipated that throughout the Borough some homeowners will take advantage of a program to convert the main homes on the property from summer rentals to year-round rentals or to their own year-round residence. Forgivable loans will be available through the Monmouth County Housing Rehabilitation Program for this purpose. If the home is to be converted to a year round residence, it must be made free of code violations and deed restricted for 10 years. If renter occupied, the renters must qualify as low or moderate income and the rents must be set in accordance with prevailing COAH guidelines. If the homes are owner-occupied, then the owners must qualify as low or moderate income. The homes will be rehabilitated through the Monmouth County Housing Rehabilitation Program with funding provided by *in lieu* payments from the redevelopers. If the homes are sold before the end of the 10-year lien period, they may be sold at market rate value, however, a prorated portion of the rehabilitation loan must be paid back to the Monmouth County Housing Rehabilitation Program. As a result, the units will help satisfy the Borough's rehabilitation obligation of 55 units.

Prior Round Obligation

COAH has determined that Belmar's second round recalculated component is 59 new affordable housing units. Despite its calculated municipal obligation, the Borough of Belmar can be considered entirely developed, and therefore lacks sufficient land to create affordable housing. Because the Borough does not have the available land capacity to fulfill its new housing obligation, the Borough

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can request an adjustment due to a lack of available land capacity per N.J.S.A. 5:93-4.2. The methodology per N.J.S.A.5:97-5.2 includes the following:

Existing Land Use Map and Inventory of Vacant Land

Per Section 5:93-4.2(a), attached hereto is an Existing Land Use Map that displays the land uses of each parcel within the Borough. The map displays the following land uses: single family residential, multifamily residential, commercial, parkland, public school, other public uses, semipublic uses, church and charitable uses, vacant agricultural or industrial land. The Existing Land Use Map shows that there are small, isolated vacant lots in the Borough, and a number of publicly-owned properties.

The inventory of vacant lands in the Borough by Block and Lot, property owner and acreage has been compiled into the table below. The table below indicates that there are 66 vacant parcels in the Borough, and 56 tax exempt, or public and quasi-public properties in the Borough.

Table 18
Vacant Land and Public Land Inventory – Borough of Belmar

Vacant Land and Public Land Inventory - Borough of Bernier							
#	Block & Lot		Street Location	Owner	Area (ac.)	State Use Category	Exclusion Factors
Vacant Land							
1.	11	9	2nd Ave 4	Ocean Beach Condo Assoc	0.6	Vacant	< 1ac
2.	12	19	Inlet Ter	Charles J & Patricia Bonsangue	0.52	Vacant	< 1ac
3.	41	1	4th Ave	Rita F Huisman	0.34	Vacant	< 1ac
4.	55	13.02	6th Ave	Evelyns Assoc	0.17	Vacant	< 1ac
5.	57	1	River Ave	Klein Realty Inc	0.25	Vacant	< 1ac
6.	76	14	8th Ave	F L S Assoc	0.17	Vacant	< 1ac
7.	81	20	9th Ave	A Street Condominium	0.17	Vacant	< 1ac
8.	81	11	9th Ave	Mario & Linda Bello	0.17	Vacant	< 1ac
9.	106	8	E Railroad Ave	Sterner Coal & Lumber Co	0.48	Vacant	< 1ac
10.	110	18.01	Ocean Ave	Robert Fishman	0.12	Vacant	< 1ac
11.	110	18.05	12th Ave	Robert Fishman	0.11	Vacant	< 1ac

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#	Block & Lot		Street Location	Owner	Area (ac.)	State Use Category	Exclusion Factors
12.	117	8	River Rd	Colgate Design Corp	0.17	Vacant	< 1ac
13.	120	1.01	Ocean Ave	Signal Hill Realty Corp	0.1	Vacant	< 1ac
14.	120	1.02	Ocean Ave	Signal Hill Realty Corp	0.12	Vacant	< 1ac
15.	120	18	13th Ave	Signal Hill Realty Corp	0.23	Vacant	< 1ac
16.	121	19	13th Ave	Chas Ave Land Martini	0.09	Vacant	< 1ac
17.	122	21	12th Ave	Maureen O Mccaffery	0.19	Vacant	< 1ac
18.	135	13	15th Ave	Mark & Mary Walsifer	0.17	Vacant	< 1ac
19.	135	22	Main St	-	<0.01	Vacant	< 1ac
20.	136	6.01	13th Ave	-	0.01	Vacant	< 1ac
21.	140.01	2	Ocean Ave	Beach Development LLC	0.09	Vacant	< 1ac
22.	140.01	3	Ocean Ave	Beach Development LLC	0.09	Vacant	< 1ac
23.	140.01	4	Ocean Ave	Beach Development LLC	0.09	Vacant	< 1ac
24.	142	25	15th Ave	Mary A Fiumarra	0.09	Vacant	< 1ac
25.	150	15.01	16th Ave	John Cirillo	0.09	Vacant	< 1ac
26.	151	19.02	16th Ave	Andrew Chiurazzi	0.11	Vacant	< 1ac
27.	153	10	15th Ave		<0.01	Vacant	< 1ac
28.	154	21	D St	B M Hinkson	0.21	Vacant	< 1ac
29.	156	8	15th Ave	Fishermans Cove Realty LLC	0.24	Vacant	< 1ac
30.	167	12	16th Ave	-	0.01	Vacant	< 1ac
31.	168	1.02	H St	Paul J Smith	0.2	Vacant	< 1ac
32.	173	20	18th Ave	Eastside Builders	0.01	Vacant	< 1ac
33.	181	14	Surf Ave	Samuel Michelson	0.02	Vacant	< 1ac
34.	235	28	16th Ave	Bridget Shaw	0.11	Vacant	< 1ac
35.	237	5	Riverview Ter	Mark B Collins	0.11	Vacant	< 1ac

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Public Property

#	Block & Lot		Street Location	Owner	Area (ac.)	State Use Category	Exclusion Factors
1	116	1	Main St	BOE - Boro of Belmar	3.37	Public School	
2	77	1	River Rd	Boro Of Belmar		Public -ROSI, Veterans Park	
3	50	1		Boro Of Belmar	21.7	Public -ROSI, Silver Lake Park	
4	78	1	Marina At Eighth Ave	Boro Of Belmar		Public -ROSI, Belmar Marine Basin	
5	88	1	Marina At Ninth Ave	Boro Of Belmar		Public -ROSI, Belmar Marine Basin	
6	98	1	Marina At Tenth Ave	Boro Of Belmar		Public -ROSI, Belmar Marine Basin	
7	108	1	Marina At Eleventh Ave	Boro Of Belmar		Public -ROSI, Belmar Marine Basin	
8	118	1	Marina At Twelfth Ave	Boro Of Belmar		Public -ROSI, Belmar Marine Basin	
9	3	1	1st Ave	Boro Of Belmar		Public -ROSI, Belmar Beach	
10	3	3	1st Ave	Boro Of Belmar		Public -ROSI, Belmar Beach	
11	62	1	7th Ave	Boro Of Belmar	0.08	Public -ROSI, 7th Avenue Park	< 1ac
12	44	1	5th Ave	Boro Of Belmar	0.17	Public -ROSI, 5th Avenue Park	
13	23	1	3rd Ave	Boro Of Belmar	0.01	Public -ROSI, 3rd Avenue Park	< 1ac
14	10.01	1	1st Ave	Boro Of Belmar	0.85	Public -ROSI, 2nd Avenue Park	
15	127.01	1	12th Ave	Boro Of Belmar	1.26	Public - Water Plant	
16	66	8	River Ave	Boro Of Belmar	0.1	Public - Storage Building	< 1ac
17	66	9	River Ave	Boro Of Belmar	0.1	Public - Storage Building	< 1ac
18	66	7	River Ave	Borough Of Belmar	0.07	Public - Storage Building	< 1ac
19	210	1	North Blvd	Boro Of Belmar	5.75	Public - Park: Lake Como	
20	225	1	Marina At L St	Boro Of Belmar	6.5	Public - Park	
21	106	6	10th Ave	Boro Of Belmar	0.52	Public - Municipal parking	< 1ac
22	66	1	Main St	Boro Of Belmar	0.69	Public - Municipal Building	< 1ac
23	66	2	6th Ave	Boro Of Belmar	0.19	Public - Municipal Building	< 1ac
24	66	3	6th Ave	Boro Of Belmar	0.58	Public - Municipal Building	< 1ac
25	66	4	6th Ave	Boro Of Belmar	0.16	Public - Municipal Building	< 1ac
26	66	5	River Ave	Boro Of Belmar	0.07	Public - Municipal Building	< 1ac

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#	Block & Lot		Street Location	Owner	Area (ac.)	State Use Category	Exclusion Factors
27	126	1	Main St	Boro Of Belmar	3.29	Public - Boro of Belmar Park	
28	12	30	River Ave	Boro Of Belmar	0.02	Public	< 1ac
29	30	2	3rd Ave	Boro Of Belmar	0.19	Public	< 1ac
30	51	1	5th Ave	Boro Of Belmar	0.08	Public	< 1ac
31	65	16	7th Ave	Boro Of Belmar		Public	< 1ac
32	66	10	7th Ave	Boro Of Belmar	0.17	Public	< 1ac
33	70	19	Ocean Ave	S Monmouth Regional Sewerage A	0.15	Public	< 1ac
34	76	8	8th Ave	Boro Of Belmar Housing Authority	0.51	Public	< 1ac
35	83	10	9th Ave	Belmar First Aid & Safety Squad	0.52	Public	< 1ac
36	84	20.1	9th Ave	Boro Of Belmar		Public	< 1ac
37	85	18	9th Ave	Boro Of Belmar	0.34	Public	< 1ac
38	86	3	Main St	Boro Of Belmar	0.03	Public	< 1ac
39	94	7.04	9th Ave	Boro Of Belmar	<0.01	Public	< 1ac
40	94	11	9th Ave	Boro Of Belmar	0.17	Public	< 1ac
41	94	7.02	9th Ave	John F & Linda J Schappert	0.01	Public	< 1ac
42	95	14	10th Ave	Boro Of Belmar	0.18	Public	< 1ac
43	95	21	E St	Boro Of Belmar	0.07	Public	< 1ac
44	96	4	Main St	Boro Of Belmar	0.06	Public	< 1ac
45	104	7	10th Ave	Boro Of Belmar-public Library	0.52	Public	< 1ac
46	115	8	11th Ave	Boro Of Belmar	0.17	Public	< 1ac
47	119	1	Marina At K St	Boro Of Belmar	0.4	Public	< 1ac
48	135	17	15th Ave	Boro Of Belmar	0.21	Public	< 1ac
49	135	18	15th Ave	Boro Of Belmar	0.18	Public	< 1ac
50	135	8	Main St	Us Gov-post Office	0.6	Public	< 1ac
51	148	1	14th Ave	Boro Of Belmar	0.17	Public	< 1ac
52	148	2	14th Ave	Boro Of Belmar	0.11	Public	< 1ac

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#	Block & Lot		Street Location	Owner	Area (ac.)	State Use Category	Exclusion Factors
53	236	1	Marina At Oakwood Rd	Boro Of Belmar	0.84	Public	< 1ac
54	52	3.01	5th Ave	David E & Patricia A Smith	0.07	Public - Exempt	< 1ac
55	124	24	D St	Fred D & Marie Gartner	0.05	Public - Exempt	< 1ac
56	153	1	15th Ave	Paul D & Mary Jane Baskin	0.11	Public - Exempt	< 1ac

VACANT LAND EXCLUSIONS

Per N.J.S.A. 5:93-4.2(c), municipalities shall exclude from the vacant land inventory:

1. Any land that is owned by a local government entity that, as of January 1, 1997, has adopted, prior to the filing of a petition for substantive certification, a resolution authorizing the execution of an agreement that such land shall be utilized for a public purpose other than housing; and
2. Any vacant contiguous parcels of land in private ownership of a size which would accommodate less than five dwelling units.

Per N.J.S.A. 5:93-4.2(e), the following lands may also be excluded from consideration as affordable housing sites:

- Agricultural and environmentally sensitive lands;
- Historic and architecturally important sites if such sites were listed on the State Register of Historic Places in accordance with N.J.A.C. 7:4 prior to a submission of a petition of substantive certification;
- Active recreational lands that are designated for recreational purposes in the municipal master plan; those owned by nonprofit organizations, counties and the State or Federal government when such lands are precluded from development at the time of substantive certification; and
- Conservation, parklands and open space lands designated in a master plan of a municipality as being dedicated or which is dedicated by easement or otherwise for purposes of conservation, parklands or open space and which is owned, leased, licensed or in any other manner operated by a county, municipality or tax-exempt, nonprofit organization, including a local board of education, so long as the entity maintains such ownership, lease, license or operational control of such land.

Therefore, the Borough may exclude all lands listed on the Borough's Recreation and Open Space Inventory (ROSI) (see Appendix for the ROSI), which are restricted for recreation and/or open space use by the State of New Jersey. The Borough may also exclude developed public properties such as schools, and lots containing sewer and electrical infrastructure, e.g. water plant, etc.

There are no agricultural lands in the Borough. Vacant properties that are fully occupied by lakes (i.e. Silver Lake and Lake Como) are also allowed to be excluded as developable lands.

Properties less than one acre in area may also be excluded from consideration as affordable housing sites because they cannot accommodate a minimum density of 6 or more units per acre. A presumptive maximum density of 6 units per acre was utilized in this analysis given the existing low residential densities of the Borough, and the need for off-street parking. Therefore, all privately-owned vacant properties of less than one acre in area are excluded, as are all contiguous vacant properties totaling less than one acre in area.

Based on this Vacant Land analysis, the Realistic Development Potential is zero. As previously mentioned in this report, it is quite common throughout the Borough to find a larger main house at the front of a property with a smaller residential structure(s) at the rear. The Borough will offer a \$25,000 subsidy to bring the rear property up to code. The accessory unit will then be affirmatively marketed and deed restricted for use by low or moderate income senior citizens for 10 years. Up to fourteen (14) of these units will generate an affordable housing accessory apartment credit towards satisfying second round unmet need.

Growth Share Obligation 2004-2018

The Council On Affordable Housing projects that the Borough of Belmar's Third Round Growth Share Obligation is 15 affordable units. Belmar agrees with this figure. It is likely that as many as 75 affordable units will be built through the redevelopment process, 59 units will be used to satisfy its second round unmet need. This 75 unit figure is based on the DRAFT Seaport Village Redevelopment Plan, which will involve both construction and demolition activities, as well as construction and demolition activities outside of this Redevelopment Area. This growth share estimate exceeds that put forth by the Council On Affordable Housing. It is important to note that uncertainties associated with redevelopment may affect Belmar's Growth Share obligation. Belmar officials understand the

likelihood that its Third Round COAH plan will need to be amended at the 2-year monitoring period. This plan represents Belmar's best use of the information available at this time.

Downtown Units

There are a number of "naturally occurring affordable housing" units in Belmar's downtown. Some of those upper story residential units located in the Seaport Village Redevelopment Area are likely to remain on those "infill" blocks that are the subject of significant redevelopment. Others are located in the downtown area outside the Redevelopment Area. Both groups offer opportunities to expand the supply of COAH-approved affordable housing in a mixed-use environment, while improving the quality of this existing housing stock. These units are primarily apartments located along Main Street, or on the commercial streets intersecting with Main Street, above ground floor retail establishments, or are multi-family houses, that are in need of rehabilitation. The Borough intends to inventory these properties in the downtown to determine the conditions of these existing dwelling units and to identify the potential location and required work to provide additional affordable housing. In addition to improving the quality of this housing and helping satisfy its unmet need, this program will help achieve the Borough's goal of incorporating affordable housing into mixed-use development nearest to Belmar's train station and bus routes so that the residents of these affordable housing units will also have affordable transportation options.

Subsidy of Existing Housing Units

As explained above, Borough officials are aware that there are some "naturally occurring affordable housing units" in town. For example, Borough officials believe that there are multi-family units where the current rents would meet COAH's threshold of affordability. These include apartment complexes and buildings located throughout the town, as well as smaller multi-family dwellings. The Borough intends to investigate the possibility of deed restricting these existing affordable units to help meet some of its obligation. In order to do this, besides comparing the current monthly rents to the allowable rents, the Borough is aware that COAH will need to inspect these units to assure their code compliance. If these units meet with COAH's approval, the Borough is prepared to negotiate with current owners to buy down the units and collaborate with COAH on the appropriate process for achieving this goal. Because the Borough believes that it has a community responsibility to provide affordable housing in an inclusive environment, the Borough's efforts to identify suitable affordable units and to negotiate buy down agreements will be broadly based so that the affordable housing

that is provided outside the downtown through this approach is to the largest extent practicable located throughout the community, and is not disproportionately concentrated in any one residential area or neighborhood of the community.

Mortgage Buy Down Program or Rental Buy Down Program

Belmar may offer redevelopers density bonuses if they buy down the cost of mortgages or rents for low and moderate income buyers/renters. In order to qualify for COAH credit, the minimum subsidy shall be \$25,000 per unit with additional subsidies depending on the market prices. Sales prices shall be affordable per standards set by the Uniform Housing Affordability Controls (UHAC), the units must be affirmatively marketed, and the units must be deed restricted for ownership by low and moderate income households for a period of 30 years. Fifty percent of the units will be set aside for low income households and fifty percent for moderate income households. If the mortgage or rent is bought down to a level affordable to those earning 30% or less of median income in the region, it may be eligible for bonus credit.

Fair Share Inclusionary Ordinance

Adoption of a Fair Share Inclusionary Ordinance will be the main mechanism the Borough will use to meet its affordable housing obligation as development or redevelopment occurs. This ordinance will mandate that for every project containing 5 residential units, the developer or redeveloper must provide one affordable unit. Likewise, for every 16 jobs created, the developer or redeveloper must provide one affordable unit. Each affordable unit built on-site should be eligible for a Smart Growth Bonus of .33 because it is located in a redevelopment project and/or a transit village.

Alternatively the redeveloper can make an *in lieu* payment of \$152,227 for every affordable unit their project generates or a prorated portion thereof. Alternatively, subject to the Borough's approval, the redeveloper can make a qualifying "in kind" contribution of an offsite affordable unit in accordance with the approaches described in this plan for every affordable unit their project generates. The Borough will retain the right to impose conditions on redevelopers' use of this "in kind" option, which conditions may include a requirement that the kinds of affordable units (e.g., age-restricted, rental, etc.) developed will not be in disproportion to the maximum permitted percentages for that kind of affordable unit as set forth in COAH's regulations. The Borough will also require that "in kind" affordable housing offered outside the downtown to satisfy a redeveloper's

growth share obligation shall be located so as not to be concentrated in any particular neighborhood, but rather shall be distributed as much as reasonably practicable throughout the community. Redevelopers whose projects generate a growth share of less than a full affordable housing unit will be required to either make an in lieu contribution in a pro-rata amount, or with the prior approval of the Borough reach agreement with another redeveloper for a corresponding pro-rata share in creating an "in kind" affordable housing unit. In keeping with the intent of COAH's rules at N.J.S.A. 5:97-6.15, the Borough has developed innovative approaches to the development of affordable housing that are custom designed to fit its needs. And the Borough intends to work cooperatively with redevelopers and existing property owners in the Borough to encourage the creation of affordable housing units that fill these needs.

PROPOSED REDEVELOPMENT AREAS (N.J.A.C. 5:97-6.6)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Belmar, Monmouth County

Project Name/Redevelopment Designation: The Seaport Village

Block(s) and Lot(s): _____

Total acreage: _____ Proposed density (units/gross acre): unknown

Affordable Units Proposed: 15

Family: 8 Sale: 4 Rental: 4

Very low-income units: 2 Sale: 0 Rental: 2

Age-Restricted: 3 Sale: 0 Rental: 3

Market-Rate Units Anticipated: 60

Non-Residential Development Anticipated (in square feet): _____

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☒ Yes ☐ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): _____

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: _____

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: 5

Compliance bonuses as per N.J.A.C. 5:97-3.17 _____

Date zoning or redevelopment plan adopted: _____

Date development approvals granted: _____

**Information and Documentation Required with Petition or in Accordance with an
Implementation Schedule**

The municipality is providing an implementation schedule for this project/program.

- ☐ Yes. Skip to and complete implementation schedule found at the end of this checklist.
NOTE: The remainder of this checklist must be submitted in accordance with the implementation schedule.
- ☒ No. Continue with this checklist.

- ☐ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)
- ☐ Adopted Resolution designating Redevelopment Area
- ☐ Demonstration of DCA's approval of Redevelopment Area designation. Check here ☐ if non-applicable.
- ☒ Redevelopment plan adopted by the governing body which includes the requirements for affordable housing
- ☒ A description of the site, including its location, acreage and existing and intended use
- ☒ An anticipated timeline and development process expected for the site

If payments in lieu of on-site construction of the affordable units is an option:

- ☒ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan *no plan until COM approves development fee ordinance*

A general description of the site, including: *See Master Plan*

- ☐ Name and address of owner
- ☐ Subject property street location
- ☐ Subject property block(s) and lot(s)
- ☐ Indicate if urban center or workforce housing census tract
- ☐ Subject property total acreage
- ☐ Previous zoning designation and date previous zoning was changed
- ☐ Current zoning and date current zoning was adopted
- ☐ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☐ Tax maps showing the location of site(s) with legible dimensions (electronic if available)
- ☐ Map of Redevelopment Area

**Information and Documentation Required prior to Substantive Certification or in Accordance
with an Approved Implementation Schedule**

A description of the suitability of the site, including:

- ☐ Description of surrounding land uses
- ☐ Demonstration that the site has street access
- ☐ Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☐ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 to serve the proposed redevelopment area or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☐ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 to serve the proposed redevelopment area or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☐ Wetlands and buffers
 - ☐ Steep slopes
 - ☐ Flood plain areas
 - ☐ Stream classification and buffers
 - ☐ Critical environmental site
 - ☐ Historic or architecturally important site/district
 - ☐ Contaminated site(s); proposed or designated brownfield site
 - ☐ Based on the above, a quantification of buildable and non-buildable acreage
-
- ☐ A copy of the final Request for Proposals, which includes the requirements for affordable housing. Check here ☐ if non-applicable.
 - ☐ Demonstration that the municipality or redeveloper either has control of the site or an option on the property or a plan in place for obtaining site control, in accordance with the LHRL
 - ☐ An executed redevelopment agreement that results in the creation of affordable housing units and which shall include the following:
 - ☐ Number, tenure and type of units
 - ☐ A schedule for the overall development plan, including phasing of residential development
 - ☐ Compliance with N.J.A.C. 5:94-6.4(i)-(k)

- ☐ Demonstration that the first floor of all townhouse or other multistory dwelling units is accessible and adaptable per N.J.A.C. 5:97-3.14
- ☐ If applicable, current status of the municipality's Workable Relocation Assistance Program (WRAP)

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- ☐ An affirmative marketing plan in accordance with UHAC, except for low- and moderate-income households displaced by redevelopment that are given preference for new units

PROPOSED REDEVELOPMENT AREAS (N.J.A.C. 5:97-6.6)

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Redevelopment Area information, including the following:

Redevelopment Area Documentation	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Adopted resolution designating Redevelopment Area		
Demonstration of DCA's approval of Redevelopment Area designation (enter N/A if not applicable)		

Redevelopment plan adopted by the governing body which includes the requirements for affordable housing		
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(B) Development schedule, including, but not limited to, the following:

Redevelopment Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Identification			
RFP Process (enter N/A if not applicable)			
Developer Selection			
Site Plan Preparation			
Development Approvals			
Contractor Selection			
Building Permits			
Construction			
Occupancy			

Redevelopment Narrative Section

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

ACCESSORY APARTMENTS (N.J.A.C. 5:97-6.8)

General Description

Municipality/County: Belmar, Monmouth County

Affordable Units Proposed: 14

Family: 0

Low-Income: 0

Moderate-Income: 0

Age-Restricted: 14

Low-Income: 7

Moderate-Income: 7

Average expenditure:

For each low-income unit: \$ \$25,000

For each moderate-income unit: \$ 20,000

Information and Documentation Required with Petition

- ☐ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.)
- ☐ Draft or adopted accessory apartment ordinance
- ☒ Documentation of funding sources
- ☒ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- ☒ Demonstration that the housing stock lends itself to accessory apartments
- ☒ Demonstration that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartments (indicate below type of infrastructure)
 - ☐ Public water and sewer system; OR
 - ☐ If served by individual well and/or septic system, the municipality must show that the well and/or septic system meet the appropriate NJDEP standards and have sufficient capacity for additional unit

Information and Documentation Required Prior to Substantive Certification

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ Affirmative Marketing Plan in accordance with UHAC

Accessory Apartment Narrative Section

The Borough intends to administer this program flexibly and will allocate enough money to build all 14 units as low income. The borough has not started up this program yet, so we cannot identify individual properties that will participate. The Borough's housing stock should be amenable to this program because many homes in Belmar have smaller summer homes in the rear of the property.

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in **(REGION 4)**

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number Maureen Fullaway Affordable Housing Administrators 1401 Beaver Dam Road Point Pleasant, NJ 08742		1b. Development or Program Name, Address Any new construction in the Borough of Belmar	
1c. Number of Affordable Units: approx 75 Number of Rental Units: Number of For-Sale Units:	1d. Price or Rental Range From low and mod To	1e. State and Federal Funding Sources (if any) <div style="text-align: center;">none</div>	
1f. <input type="checkbox"/> Age Restricted <input checked="" type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: 2009 Occupancy: 2009		
1h. County <div style="text-align: center;">Mercer, Monmouth, Ocean</div>		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any):			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

2.	Describe the random selection process that will be used once applications are received.
<p>There will be a defined period during which applications will be taken. After that period, applications will be randomly selected and analyzed for completeness. Applicants will be give a time period to cure deficiencies. Those that are deemed complete and eligible first will be given first priority.</p>	

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

☐ White (non-Hispanic) ☒ Black (non-Hispanic) ☒ Hispanic ☐ American Indian or Alaskan Native
☐ Asian or Pacific Islander ☐ Other group:

3b. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS PARTIAL COAH REGION 4			
Daily Newspaper			
<input checked="" type="checkbox"/>	As needed	Trenton Times	Mercer
<input type="checkbox"/>		Trentonian	Mercer
<input checked="" type="checkbox"/>	As needed	Asbury Park Press	Monmouth, Ocean
<input type="checkbox"/>		Ocean County Observer	Ocean
Weekly Newspaper			
<input type="checkbox"/>		Ewing Observer	Mercer
<input type="checkbox"/>		Hopewell Valley News	Mercer
<input type="checkbox"/>		Lawrence Ledger	Mercer
<input type="checkbox"/>		Pennington Post	Mercer
<input type="checkbox"/>		Princeton Town Topics	Mercer
<input type="checkbox"/>		Tempo Mercer	Mercer
<input type="checkbox"/>		Trenton Downtowner	Mercer
<input type="checkbox"/>		Windsor Heights Herald	Mercer
<input type="checkbox"/>		West Windsor-Plainsboro News	Mercer, Middlesex
<input type="checkbox"/>		Princeton Packet	Mercer, Middlesex, Somerset
<input type="checkbox"/>		Messenger-Press	Mercer, Monmouth, Ocean
<input type="checkbox"/>		Woodbridge Sentinel	Middlesex
<input type="checkbox"/>		Atlanticville	Monmouth
<input type="checkbox"/>		Coaster	Monmouth

<input type="checkbox"/>		Courier	Monmouth
<input type="checkbox"/>		Examiner	Monmouth
<input type="checkbox"/>		Hub, The	Monmouth
<input type="checkbox"/>		Independent, The	Monmouth
<input type="checkbox"/>		News Transcript	Monmouth
<input type="checkbox"/>		Two River Times	Monmouth
<input type="checkbox"/>		Coast Star, The	Monmouth, Ocean
<input type="checkbox"/>		Beach Haven Times	Ocean
<input type="checkbox"/>		Beacon, The	Ocean
<input type="checkbox"/>		Berkeley Times	Ocean
<input type="checkbox"/>		Brick Bulletin	Ocean
<input type="checkbox"/>		Brick Times	Ocean
<input type="checkbox"/>		Jackson Times	Ocean
<input type="checkbox"/>		Lacey Beacon	Ocean
<input type="checkbox"/>		Manchester Times	Ocean
<input type="checkbox"/>		New Egypt Press	Ocean
<input type="checkbox"/>		Ocean County Journal	Ocean
<input type="checkbox"/>		Ocean Star, The	Ocean
<input type="checkbox"/>		Tri-Town News	Ocean
<input type="checkbox"/>		Tuckerton Beacon	Ocean
<input type="checkbox"/>		Atlantic Highlands Herald	Monmouth

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 4			
<input type="checkbox"/>		2 WCBS-TV Cbs Broadcasting Inc.	
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	

<input type="checkbox"/>		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		11 WPIX Wpix, Inc. (Tribune)	
<input type="checkbox"/>		13 WNET Educational Broadcasting Corporation	
<input type="checkbox"/>		58 WNJB New Jersey Public Broadcasting Authority	

TARGETS PARTIAL COAH REGION 4

<input type="checkbox"/>		25 W25AW Wzbn Tv, Inc.	Mercer
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Mercer
<input type="checkbox"/>		60 WBPB-TV Sonshine Family Television Corp	Mercer
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcasting Corp.	Mercer
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Mercer
<input type="checkbox"/>		41 WXTV Wxtv License Partnership, G.p. (Univision Communications Inc.)	Mercer, Monmouth
<input type="checkbox"/>		3 KYW-TV Cbs Broadcasting Inc.	Mercer, Ocean
<input type="checkbox"/>		6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)	Mercer, Ocean
<input type="checkbox"/>		12 WHYY-TV Why, Inc.	Mercer, Ocean
<input type="checkbox"/>		17 WPHL-TV Tribune Company	Mercer, Ocean
<input type="checkbox"/>		23 WNJS New Jersey Public Broadcasting Authority	Mercer, Ocean
<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Mercer, Ocean
<input type="checkbox"/>		35 WYBE Independence Public Media Of Philadelphia, Inc.	Mercer, Ocean
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	Mercer, Ocean
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	Mercer, Ocean
<input type="checkbox"/>		57 WPSG Cbs Broadcasting Inc	Mercer, Ocean
<input type="checkbox"/>		61 WPPX Paxson Communications License Company, Llc	Mercer, Ocean

<input type="checkbox"/>		65 WUVP-TV Univision Communications, Inc.	Mercer, Ocean
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	Monmouth
<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, Llc	Monmouth
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	Monmouth
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	Monmouth
<input type="checkbox"/>		68 WFUT-TV Univision New York Llc	Monmouth, Ocean (Spanish)
<input type="checkbox"/>		62 WWSI Hispanic Broadcasters of Philadelphia, Llc	Ocean

	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
TARGETS PARTIAL COAH REGION 4			
<input type="checkbox"/>		Cablevision of Hamilton	Partial Mercer, Monmouth
<input type="checkbox"/>		Comcast of Central NJ,	Partial Mercer, Monmouth
<input type="checkbox"/>		Patriot Media & Communications, CNJ	Partial Mercer
<input type="checkbox"/>		Cablevision of Monmouth, Raritan Valley	Partial Monmouth
<input type="checkbox"/>		Comcast of Mercer County, Southeast Pennsylvania	Partial Middlesex
<input type="checkbox"/>		Comcast of Monmouth County	Partial Monmouth, Ocean
<input type="checkbox"/>		Comcast of Garden State, Long Beach Island, Ocean County, Toms River	Partial Ocean

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 4			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
<input type="checkbox"/>		WCBS 880	
<input type="checkbox"/>		WBBR 1130	

<input type="checkbox"/>		WWTR 1170	
<input type="checkbox"/>		WTTM 1680	Spanish, Asian, etc.
FM			
<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WPST 94.5	
<input type="checkbox"/>		WFME 94.7	
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WSKQ-FM 97.9	Spanish
<input type="checkbox"/>		WRKS 98.7	
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WBAI 99.5	
<input type="checkbox"/>		WPHI-FM 100.3	
<input type="checkbox"/>		WCBS-FM 101.1	
<input type="checkbox"/>		WKXW-FM 101.5	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WPRB 103.3	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WDAS-FM 105.3	
<input type="checkbox"/>		WLTW 106.7	
TARGETS PARTIAL COAH REGION 4			
AM			
<input type="checkbox"/>		WFIL 560	Hunterdon
<input type="checkbox"/>		WIP 610	Hunterdon
<input type="checkbox"/>		WAEB 790	Hunterdon
<input type="checkbox"/>		WCHR 1040	Hunterdon

<input type="checkbox"/>		WGPA 1100	Hunterdon
<input type="checkbox"/>		WEEX 1230	Hunterdon
<input type="checkbox"/>		WKAP 1470	Hunterdon
<input type="checkbox"/>		WRNJ 1510	Hunterdon
<input type="checkbox"/>		WWJZ 640	Hunterdon, Middlesex
<input type="checkbox"/>		WPHY 920	Hunterdon, Middlesex
<input type="checkbox"/>		WPHT 1210	Hunterdon, Middlesex
<input type="checkbox"/>		WBUD 1260	Hunterdon, Middlesex
<input type="checkbox"/>		WMCA 570	Middlesex (Christian)
<input type="checkbox"/>		WIMG 1300	Middlesex
<input type="checkbox"/>		WCTC 1450	Middlesex, Somerset
FM			
<input type="checkbox"/>		WRTI 90.1	Hunterdon
<input type="checkbox"/>		WCVH 90.5	Hunterdon
<input type="checkbox"/>		WHYY-FM 90.9	Hunterdon
<input type="checkbox"/>		WXTU 92.5	Hunterdon
<input type="checkbox"/>		WAEB-FM 104.1	Hunterdon
<input type="checkbox"/>		WFKB 107.5	Hunterdon
<input type="checkbox"/>		WMMR 93.3	Hunterdon, Middlesex
<input type="checkbox"/>		WYSP 94.1	Hunterdon, Middlesex
<input type="checkbox"/>		WBEN-FM 95.7	Hunterdon, Middlesex
<input type="checkbox"/>		WRDW-FM 96.5	Hunterdon, Middlesex
<input type="checkbox"/>		WOGL 98.1	Hunterdon, Middlesex
<input type="checkbox"/>		WUSL 98.9	Hunterdon, Middlesex
<input type="checkbox"/>		WIOQ 102.1	Hunterdon, Middlesex
<input type="checkbox"/>		WMGK 102.9	Hunterdon, Middlesex
<input type="checkbox"/>		WJJZ 106.1	Hunterdon, Middlesex
<input type="checkbox"/>		WKDN 106.9	Hunterdon, Middlesex (Christian)
<input type="checkbox"/>		WAXQ 104.3	Hunterdon, Middlesex, Somerset
<input type="checkbox"/>		WNTI 91.9	Hunterdon, Somerset
<input type="checkbox"/>		WZZO 95.1	Hunterdon, Somerset

<input type="checkbox"/>		WCTO 96.1	Hunterdon, Somerset
<input type="checkbox"/>		WLEV 100.7	Hunterdon, Somerset
<input type="checkbox"/>		WNJT-FM 88.1	Middlesex
<input type="checkbox"/>		WRSU-FM 88.7	Middlesex
<input type="checkbox"/>		WWFM 89.1	Middlesex
<input type="checkbox"/>		WWPH 107.9	Middlesex
<input type="checkbox"/>		WDVR 89.7	Middlesex, Somerset
<input type="checkbox"/>		WVPH 90.3	Middlesex, Somerset
<input type="checkbox"/>		WMGQ 98.3	Middlesex, Somerset
<input type="checkbox"/>		WBLS 107.5	Middlesex, Somerset

3c. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that applies)

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE COAH REGION 4			
Weekly			
	Nuestra Comunidad	Central/South Jersey	Spanish-Language
TARGETS PARTIAL COAH REGION 4			
Weekly			
<input type="checkbox"/>	New Jersey Jewish News	Northern and Central New Jersey	Jewish
<input type="checkbox"/>	El Hispano	Camden and Trenton areas	Spanish-Language
<input type="checkbox"/>	Ukrainian Weekly	New Jersey	Ukrainian community

3d. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION
Mercer County		
<input type="checkbox"/>	Mercer County Board of Education	1075 Old Trenton Rd, Trenton, NJ
<input type="checkbox"/>	Medical Center at Princeton	253 Witherspoon St, Princeton, NJ
<input type="checkbox"/>	Bristol-Myers Squibb	100 Nassau Park Blvd, Princeton, NJ and 820 Bear Tavern Rd, Trenton, NJ
<input type="checkbox"/>	St. Lawrence Rehabilitation Center	2381 Lawrenceville Rd, Lawrenceville, NJ

<input type="checkbox"/>		McGraw-Hill	120 Windsor Center Dr, East Windsor, NJ
<input type="checkbox"/>		Conair Corporation	150 Milford Rd, Hightstown, NJ
<input type="checkbox"/>		Shiseido America, Inc.	366 Princeton Hightstown Rd, East Windsor, NJ
<input type="checkbox"/>		NJ Manufacturers Insurance Company	1001 Grand St S, Hammonton, NJ
<input type="checkbox"/>		Homasote	932 Lower Ferry Rd, Trenton, NJ
<input type="checkbox"/>		Robert Wood Johnson University Hospital	1 Hamilton Health Pl, Trenton, NJ
<input type="checkbox"/>		Congoleum Corp.	3500 Quakerbridge Rd, Mercerville, NJ
<input type="checkbox"/>		Coca-Cola Foods	480 Mercer St, Hightstown, NJ
<input type="checkbox"/>		Peddie School	111 Armellino Ct, Hightstown, NJ
<input type="checkbox"/>		Dana Communications	2 E Broad St, Hopewell, NJ
<input type="checkbox"/>		Merrill Lynch	410 Scotch Rd, Hopewell, NJ
<input type="checkbox"/>		Janssen Pharmaceutical	1125 Trenton Harbourton Rd, Titusville, NJ
<input type="checkbox"/>		St. Francis Medical Center	601 Hamilton Avenue Trenton NJ 08629-1986
<input type="checkbox"/>		The Trenton Times	500 Perry St, Trenton, NJ
<input type="checkbox"/>		Gaum. Inc.	1080 US Highway 130, Robbinsville, NJ

Monmouth County

<input type="checkbox"/>		Meridian Health System	1350 Campus Parkway Neptune
<input type="checkbox"/>		US Army Communications Electronics Command Fort Monmouth	CECOM Bldg 901 Murphy drive Fort Monmouth
<input type="checkbox"/>		County of Monmouth Hall of Records	1 East Main Street Freehold
<input type="checkbox"/>		Central State Healthcare Systems	West Main Street Freehold
<input type="checkbox"/>		Monmouth Medical Center	300 Second Ave Long Branch
<input type="checkbox"/>		Asbury Park Press	3601 Route 66 Neptune, NJ
<input type="checkbox"/>		Food Circus Super Markets, Inc.	835 Highway 35 PO BOX 278 Middletown, NJ
<input type="checkbox"/>		Monmouth University	Cedar Ave West Long Branch
<input type="checkbox"/>		Naval Weapons stations Earle	State Highway 34 Colts Neck, NJ
<input type="checkbox"/>		Norkus Enterprises, Inc.	505 Richmond Ave Point Pleasant, NJ
<input type="checkbox"/>		Horizon Blue Cross Blue Shield	1427 Wyckoff Road Farmingdale, NJ

Ocean County

<input type="checkbox"/>		Saint Barnabas Health Care System	300 2nd Ave Long Branch, NJ 07740
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<input type="checkbox"/>		Six Flags Theme Parks Inc	Route 537 Jackson, NJ 08527
<input type="checkbox"/>		Meridian Health Care System	415 Jack Martin Blvd, Brick, NJ
<input type="checkbox"/>		Southern Ocean County Hospital	1140 Route 72 West, Manahawkin, NJ
<input type="checkbox"/>		Jenkinsons	300 Ocean Ave Pt. Pleasant Beach, NJ 08742

3e. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)

Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:

4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)

	BUILDING	LOCATION
X	Mercer County Library Headquarters	2751 Brunswick Pike, Lawrenceville, NJ 08648
X	Monmouth County Headquarters Library	125 Symmes Drive, Manalapan, NJ 07726
X	Ocean County Library	101 Washington Street, Toms River, NJ 08753

4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)

4c. Sales/Rental Office for units (if applicable)

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V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's COAH substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI funding).

Name (Type or Print)

Title/Municipality

Signature

Date

Developer Fee Ordinance

Draft

1. Purpose

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

2. Basic requirements

- a) This ordinance shall not be effective until approved by COAH pursuant to *N.J.A.C. 5:96-5.1*.
- b) The Borough of Belmar shall not spend development fees until COAH has approved a plan for spending such fees in conformance with *N.J.A.C. 5:97-8.10* and *N.J.A.C. 5:96-5.3*.

3. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. **"Affordable housing development"** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary

development, a municipal construction project or a 100 percent affordable development.

- ii. **“COAH”** or the **“Council”** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
- iii. **“Development fee”** means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:97-8.3*.
- iv. **“Developer”** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- v. **“Equalized assessed value”** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
- vi. **“Green building strategies”** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

4. Residential Development fees

- a) Imposed fees
 - i. Within all residential zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent of the equalized assessed value for residential development provided no increased density is permitted.
 - ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of six percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent of the

equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- b) Eligible exactions, ineligible exactions and exemptions for residential development
 - i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
 - iv. Developers of *residential structures demolished and replaced as a result of a natural disaster* shall be exempt from paying a development fee.

5. Non-residential Development fees

- a) Imposed fees
 - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
 - ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- b) Eligible exactions, ineligible exactions and exemptions for non-residential development
 - i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
 - ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
 - iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
 - v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Belmar as a lien against the real property of the owner.

6. Collection procedures

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.

- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should the Borough of Belmar fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).

Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

- i) Appeal of development fees
 - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by *[insert name of municipality]*. Appeals from a

determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

- 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by *[insert name of municipality]*. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing trust fund

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 1. payments in lieu of on-site construction of affordable units;
 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 3. rental income from municipally operated units;
 4. repayments from affordable housing program loans;
 5. recapture funds;
 6. proceeds from the sale of affordable units; and
 7. any other funds collected in connection with *[insert municipal name]*'s affordable housing program.
- c) Within seven days from the opening of the trust fund account, Belmar shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

8 Use of funds

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address Belmar's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- b) Funds shall not be expended to reimburse Belmar for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) Belmar may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

9. Monitoring

- a) Belmar shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Belmar's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

10. Ongoing collection of fees

- a) The ability for Belmar to impose, collect and expend development fees shall expire with its substantive certification unless Belmar has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If Belmar fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). Belmar shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Belmar retroactively impose a development fee on such a development. Belmar shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

BOROUGH OF BELMAR

ORDINANCE NO. ____

**A FAIR SHARE INCLUSIONARY ZONING ORDINANCE TO
FACILITATE THE NEW JERSEY COUNCIL ON AFFORDABLE
HOUSING REVISED ROUND THREE GROWTH SHARE RULES IN
CONNECTION WITH RESIDENTIAL AND NON-RESIDENTIAL
DEVELOPMENT**

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized in So. Burlington Co. NAACP v. Mount Laurel, 67 N.J. 151 (1975) (“Mount Laurel I”); So. Burlington Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”) and the Fair Housing Act, N.J.S.A. 52:27D-301 *et seq.* (“FHA”) that New Jersey municipalities have responsibilities concerning the need to provide affordable housing for low- and moderate-income households; and

WHEREAS, the Legislature conferred upon the New Jersey Council on Affordable Housing (“COAH”) “primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in this State.” (N.J.S.A. 52:27D-304 (a)); and

WHEREAS, in Mount Laurel II, the New Jersey Supreme Court ruled that municipalities had the power to address the Mount Laurel responsibilities that the Court had created through “inclusionary devices” and rejected the notion “that inclusionary measures amount to a taking without compensation.” (see Mount Laurel II at 271); and

WHEREAS, in Mount Laurel II, the New Jersey Supreme Court also stated, “[z]oning does not require that land be used for maximum profitability and, on occasion, the goals may require something less.” (see Mount Laurel II at 274 n. 34); and

WHEREAS, COAH promulgated regulations governing the municipal fair-share obligation during 1987 to 1993 (Round One); 1993 to 1999 (Round Two); and 1999 to 2014 (Round Three); and

WHEREAS, COAH delayed promulgation of its Round Three regulations until December 2004, which regulations introduced the concept of “growth share,” a methodology requiring that each municipality’s provision of affordable housing coincide with its obligation generated by actual residential and non-residential growth, rather than assigning a specific numerical obligation to the Borough of Belmar as had occurred with the regulations pertaining to the prior rounds; and

WHEREAS, the Round Three regulations were challenged by various parties and they were invalidated, in part, by the Appellate Division in In Re Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), *certif. denied*, 192 N.J. 72 (2007); and

WHEREAS, on May 6, 2008, COAH voted to adopt revised Round Three regulations in response to the Appellate Division’s decision, In Re Adoption of N.J.A.C. 5:94 and 5:95 by the

New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied, 192 N.J. 72 (2007); and

WHEREAS, the revised Round Three regulations are effective June 2, 2008; and

WHEREAS, the revised Round Three regulations, as adopted, increase housing need statewide for low- and moderate-income households from 52,000 units (under the prior Round Three regulations from 1999 to 2014) to 115,000 (under the revised Round Three regulations from 1999 to 2018) and, *inter alia*, require residential developers to construct one (1) affordable housing unit for every four (4) market-rate residential units projected to be constructed (N.J.A.C. 5:94-2.4 (a)(2)); and

WHEREAS, on July 17, 2008, Governor Corzine signed the "Statewide Non-residential Development Fee Act," P.L. 2008, c.46, into law; and

WHEREAS, the Statewide Non-residential Development Fee Act generally precludes municipalities from imposing affordable housing requirements on non-residential developers and instead requires the uniform assessment of a development fee in the amount of two and one-half percent (2.5%) of equalized assessed value; and

WHEREAS, the Borough of Belmar wishes to ensure that as developers build residential and non-residential projects, they address affordable housing in a manner consistent with statutory law, COAH's regulations and policies described above, policies soundly rooted in New Jersey Supreme Court precedent;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Belmar, County of Monmouth, State of New Jersey as follows:

Section 1. Affordable Housing.

A. **Purpose.** The purpose of this Ordinance is to facilitate the provision of affordable housing in connection with residential and non-residential development in compliance with the requirements of statutory law and COAH's Revised Round Three Rules, as same may be amended from time to time.

B. **Definitions.**

- (1) "Affordable" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.
- (2) Any references to "affordable housing unit(s)" shall mean residential unit(s) affordable to low- or moderate-income households, as those terms are defined herein.
- (3) "Household" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.
- (4) "Low-income" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.

- (5) "Mixed use development" shall have the same meaning as that provided by the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7, as same may be amended from time to time.
- (6) "Moderate-income" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.
- (7) "Non-residential development" shall have the same meaning as that provided by the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7, as same may be amended from time to time.

- C. Applicability. This Ordinance sets forth mechanisms by which developers shall provide for a fair share of affordable housing based on growth that is associated with development taking place within all zoning districts within the Borough.

This Ordinance shall not apply to any parcel within the Borough which would not accommodate five (5) or more dwelling units where the zoning would require a twenty percent (20%) set-aside. Pursuant to N.J.A.C. 5:97-6.4 (b)7., this Ordinance shall apply to any parcel within the Borough which would accommodate five (5) or more dwelling units as a result of a "d" variance pursuant to N.J.S.A. 40:55D-70, where the zoning would require a twenty percent (20%) set-aside.

Section 2. Zoning for Inclusionary Development

A. Residential Growth Share Provisions

- (1) Quantification of Affordable Housing Obligation for Residential Developers. In those circumstances where a developer seeks to develop land for residential purposes, with projects of five (5) or more units, said developer shall provide and develop on-site one (1) affordable housing unit for every four (4) market-rate residential units constructed (20 percent). Residential developers shall fully integrate the affordable housing units with the market-rate residential units. As an alternative to providing the required affordable housing unit(s) on-site, a developer shall have the option of either (i) providing the required affordable housing unit(s) elsewhere in the Borough; or (ii) making a payment in lieu pursuant to section 5 of this Ordinance.
- (2) Projects Financed with State Funds. Notwithstanding anything in this Ordinance to the contrary, a developer of a project consisting of newly-constructed residential units being financed in whole or in part with State funds, including, but not limited to, transit villages designated by the Department of Transportation, units constructed on State-owned property, and urban transit hubs as defined pursuant to N.J.S.A. 34:1B-208, shall reserve at least twenty percent (20%) of the residential units constructed for occupancy by low- or moderate-income households with affordability controls as required under the rules of COAH. Any such project shall be otherwise excluded from the provisions of this Ordinance, except that any such project which also consists of non-residential development shall not be excluded from section 2.(B) of this Ordinance.

B. Statewide Non-residential Development Fee Program. This provision is intended to facilitate the requirements of the statewide non-residential development fee program created by the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7. Pursuant to the Statewide Non-residential Development Fee Act at N.J.S.A. 40:55D-8.4, a fee is imposed on all construction resulting in non-residential development as follows:

- a. A fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots; or
- b. A fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value, of the additions to existing structures to be used for non-residential purposes.
- c. A developer of a mixed use development shall be required to pay the Statewide non-residential development fee relating to the non-residential development component of a mixed use development subject to the provisions of N.J.S.A. 52:27D-329.1, et seq.
- d. Pursuant to N.J.S.A. 40:55D-8.4, the developer must pay such fee to the Treasurer of the State of New Jersey. A certificate of occupancy for the subject non-residential development will not issue unless and until the Treasurer of the State of New Jersey has furnished the Borough of Belmar with certified proof concerning the payment.
- e. Upon COAH authorization, and notwithstanding section 2(B)d. of this Ordinance, the developer shall pay such fee such directly to the Borough rather than to the Treasurer of the State of New Jersey.
- f. This section 2.B shall not apply to any project which is exempt from the Statewide Non-residential Development Fee Act pursuant to N.J.S.A. 40:55D-8.4, or to which the Statewide Non-residential Development Fee Act does not apply, as determined in accordance with N.J.S.A. 40:55D-8.6.

C. Mixed Use Growth Share Provisions.

- (1) For all mixed use development, the affordable housing requirements for the residential component of the project is set forth in section 2.A(1) of this Ordinance.
- (2) For all mixed use development, the affordable housing requirements for the non-residential component of the project is set forth in section 2(B) of this Ordinance.

Section 3. Density and Affordable Housing Set-Asides

A. Density and Affordable Housing Set-Aside Standards. To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, the gross density and affordable housing set-aside for any residential development shall be as follows:

- (1) Inclusionary zoning in Planning Area 1 shall permit residential development at a presumptive minimum gross density of eight units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development.
- (2) Inclusionary zoning in Planning Area 2 and designated centers shall permit residential development at a presumptive minimum gross density of six units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development.
- (3) Inclusionary zoning in existing or proposed sewer service areas outside of Planning Areas 1 or 2 shall permit residential development at a presumptive minimum gross density of four units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development.

Section 4. Financial Incentives.

- A. The Borough intends to encourage developers to provide affordable housing through inclusionary development. Toward that end, the Borough may, in its discretion, make available to a developer any financial incentives, including, but not limited to, tax abatements, which are permitted by law.

Section 5. Payment In Lieu

- A. Pursuant to section 2A(1) of this Ordinance, and upon COAH authorization, a developer may elect to make payment to the Borough in lieu of constructing the required affordable housing units subject to the following:
 - (1) The developer shall make such payment to the Borough in the amount of \$152,227.00 per each affordable housing unit required.
 - (2) The affordable housing requirements set forth in this Ordinance shall be rounded up. Payments in lieu of construction of affordable housing units are permitted in the event that calculation of the developer's affordable housing obligation pursuant to section 2 of this Ordinance results in an obligation on the part of the developer to construct fractional affordable housing units. In such event, the payment to be made by the developer to the Borough shall be prorated.
 - (3) Payments in lieu of constructing affordable housing units shall be deposited into an affordable housing trust fund pursuant to N.J.A.C. 5:94-8.1 and 8.4.
 - (4) Payments in lieu of constructing affordable housing shall not be permitted where affordable housing is not required. Upon approval by COAH of the Borough's Development Fee ordinance, zoning that does not require an affordable housing set-aside or payment in lieu shall be subject to the Borough's Development Fee Ordinance.

Section 6. Schedule. Affordable housing units shall be built in accordance with the following schedule:

Percentage of Market-Rate Units	Percentage of Moderate-Income Units
---------------------------------	-------------------------------------

Completed	Completed
25	0
25 + 1 unit	10
50	50
75	75
90	100

Section 7. Design

- A. The design of inclusionary and mixed-use developments providing affordable housing units shall be consistent with the general policies and implementation mechanisms regarding design in the State Development and Redevelopment Plan.
- B. To the extent feasible, developers shall fully integrate affordable housing units with market-rate units.
- C. Affordable housing units shall have access to all community amenities available to market-rate units that are subsidized in whole by associated fees and utilize the same heating source as market units within the inclusionary development.
- D. The first floor of all of all townhouse dwelling units and all other multistory dwelling units shall comply with the accessibility and adaptability requirements of N.J.A.C. 5:94-3.14.
- E. Affordable housing units shall comply with N.J.A.C. 5:97-9 and the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.
- F. The following documentation shall be submitted prior to marketing the completed units:
 - (1) A draft or adopted operating manual that includes a description of the program procedures and administration in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.
 - (2) An affirmative marketing plan in accordance with Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.
 - (3) Designation of an experienced administrative agent, including a statement of his/her qualifications, in accordance with N.J.A.C. 5:95-18.

Section 8. Codification. This Ordinance may be renumbered for codification purposes.

Section 9. Severability. All Ordinances and parts of Ordinances inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent. If any section, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance shall be held to be invalid by any court, such decision shall not invalidate any remaining portion of this Ordinance.

Section 10. Effective Date. This Ordinance shall take effect upon passage and publication as soon as practicable and in the manner provided by law.

I hereby certify that this Ordinance was duly adopted by the Borough Council of the Borough of Belmar at a meeting of said Borough Council held on _____, 2008

April Claudio, Municipal Clerk of the Borough of Belmar

I hereby approve this Ordinance.

Mayor Kenneth Pringle

ROLL CALL VOTE

MAYOR & COUNCIL	YES	NO	ABSTAIN	ABSENT
MAYOR KENNETH PRINGLE				
COUNCILWOMAN BRENNAN				
COUNCILMAN MERKLER				
COUNCILWOMAN DEICKE				
COUNCILMAN DOHERTY				

ORDINANCE NO. 2008-13

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XL DEVELOPMENT REGULATIONS, ARTICLE 6 CONDITIONAL USES,
CONVERSION OF SECONDARY DWELLING STRUCTURES TO AGE-RESTRICTED
ACCESSORY DWELLING UNITS
OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH,
NEW JERSEY

WHEREAS, the Borough of Belmar desires to enact regulations to permit the conversion of existing accessory dwelling units to age-restricted housing units under certain conditions; and

WHEREAS, the Borough of Belmar finds that these regulations will increase the availability of housing opportunities for senior citizens;

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XL Development Regulations, of the Borough of Belmar Revised General Ordinances is hereby amended and supplemented as follows:

SECTION I. Chapter XL Development Regulations, Article 6 Conditional Uses, is hereby amended as follows:

40-6.14 CONVERSION OF SECONDARY DWELLING STRUCTURES TO AGE-RESTRICTED ACCESSORY DWELLING UNITS.

40-6. 14.1. Purpose and Intent.

Over the past decade, Belmar has experienced a notable decline (approximately 25 percent) in its population of residents between ages 60-74. Borough officials expect this trend to continue due to rising rents, the elimination of non-conforming rental units resulting from the renovation of homes to single-family uses, conversions of apartment complexes to condominium forms of ownership, conversions of individual condominium units from rental to owner-occupied, and the overall continued increase in demand for second homes within the Borough, which is helping to drive the foregoing trends. To address this issue, it is the purpose and intent of the Borough and this Section to encourage the conversion of existing accessory dwelling units to age-restricted accessory dwelling units.

It is common throughout the Borough to find a larger main house at the front of a property with an accessory dwelling structure at the rear of the property containing one or more accessory dwelling units. Often these accessory dwelling units are limited to use as summer rentals because they lack heat or insulation. Because the predominate residential zoning classification in Belmar is single-family residential homes, these accessory seasonal dwelling structures are non-conforming uses and cannot be converted to year-round use without a use variance. These units may also be deteriorated. Belmar's land use boards have not granted variances to permit the conversion of such units to year-round use because of the difficulty in

establishing proofs to permit the expansion of a non-conforming use Belmar intends to permit these accessory dwelling units to be converted to year-round occupancy, but subject to deed restrictions limiting them to long-term use as age-restricted or affordable age-restricted housing units, and prohibiting their rental for any other purpose. In addition, Belmar's intent is to permit year-round accessory dwelling units, which are non-conforming uses under Belmar's current zoning, to convert to age-restricted accessory dwelling units.

Owners of accessory dwelling units eligible to be converted to age-restricted accessory dwelling units may also be eligible for rehabilitation subsidies from County agencies to fund the cost of the conversion. The Borough will provide information and other assistance to owners of eligible accessory dwelling units concerning County grants, if any. Additionally, the Borough will also seek grants and other subsidies to encourage the inclusion of high-efficiency and alternative energy systems in these units, so that the utility costs are affordable as well.

40-6.14.2 Definitions.

Terms not defined shall have their usual and customary meanings, unless a different meaning clearly appears from the context. The following terms whenever used or referred to in this section shall have the following respective meanings:

Accessory Dwelling Structure shall mean a structure containing not more than one dwelling unit that is located on the same lot as a Main Dwelling Structure. It is irrelevant for purposes of this section whether or not the use of, or size of, the Accessory Dwelling Structure was approved by the Planning Board, Zoning Board or is a prior non-conforming use.

Accessory Dwelling Unit shall mean a habitable residential dwelling unit contained in an Accessory Dwelling Structure.

Age-Restricted Accessory Dwelling Unit shall mean an Accessory Dwelling Unit that has been determined by the Director as meeting the construction and design criteria of the Council on Affordable Housing ("COAH") for a dwelling unit, and the Adaptability and Visit ability Code of the Borough of Belmar, and is restricted by deed to occupancy by persons 62 years of age or older in accordance with the Federal Fair Housing Act and related regulations.

Director shall mean the Borough's Director of Code Enforcement.

Main Dwelling Structure shall mean a single-family residential structure on the property that is clear from its size and location that is clear from its size, location, and its proximity to street frontage, that it is the principal structure on the property.

40-6.14.3 Areas Where Age-Restricted Accessory Dwelling Units Are Permitted as Conditional Uses; Qualification of Units

Additions are indicated by underline; and, deletions by ~~strikeout~~.

and Conditions of Conversion.

- A. The creation of Age-Restricted Accessory Dwelling Units shall be Conditional Uses and shall be subject to the conditions and standards set forth herein and upon a Site Plan Application to, and approval by, the Planning Board. As a part of the Site Plan review of the construction of and/or conversion of an existing Age-Restricted Accessory Dwelling Unit, the Applicant must show that the finish, appearance and aesthetics of the Age-Restricted Accessory Dwelling Unit is similar in character to the Main Dwelling Structure and/or consistent with the aesthetics of the neighboring properties and/or neighborhood.
- B. Existing Accessory Dwelling Structures in all single-family residential zoning districts within the Borough of Belmar are eligible to be converted to Age-Restricted Accessory Dwelling Units.
- C. Any Accessory Dwelling Unit proposed to be an Age-Restricted Accessory Dwelling Unit must, prior to the conversion and occupancy of same, be brought into conformance with all applicable Building Codes and the Borough's Adaptability and Visit ability Code then in effect.
- D. Because the cost of renovating existing Accessory Dwelling Structures may be greater than new construction, nothing contained here shall be construed to prohibit the owner of a property with an Accessory Dwelling Structure, in lieu of converting and rehabilitating such a structure for use as an age-restricted accessory dwelling unit, from demolishing and replacing the said structure with a newly constructed Accessory Dwelling Structure that meets the following criteria:
- i. The newly constructed Accessory Dwelling Structure must contain not more than one Accessory Dwelling Unit, regardless of the number of the Accessory Dwelling Units contained in Accessory Dwelling Structure that it is to replace, and all applicable Building Codes and the Borough's Adaptability and Visibility Code then in effect.
 - ii. The newly constructed Accessory Dwelling Structure must be designed, constructed and equipped as a highly energy efficient dwelling unit that satisfies at a minimum the standards for being an Energy Star Qualified Home, in accordance with the criteria established by the U.S. Environmental Protection Agency and the U.S. Department of Energy, or such other standards as the Mayor & Council may from time to time adopt by resolution.
 - iii. The newly constructed Accessory Dwelling Structure shall meet the following bulk requirements:

- a. A minimum 5-foot setback from property boundaries;
- b. A minimum 10-foot distance between the Accessory Dwelling Structure and the Main Residential Structure or other accessory structures on the property, unless the Director of Code Enforcement determines that practical conditions or other limitations relating to the site permit a smaller setback, and that such a deviation will not negatively affect the visual appearance of the property.
- c. The square footage of the newly constructed Accessory Dwelling Structure shall not exceed the greater of 650 square feet or the square footage of the footprint of the demolished Accessory Dwelling Structure as determined by the Director, exclusive of any garage area; however in no case may the square footage of the new Accessory Dwelling Structure exceed more than 10% of the lot area, provided, however, that the Director may permit a newly constructed Accessory Dwelling Structure to deviate from this requirement by up to 15% of such area, when in the Director's opinion such a deviation is reasonably necessary to accommodate a more efficient design or layout.
- d. There shall only be two (2) structures on the property, the Main Dwelling Structure and the Accessory Dwelling Structure, however if there is another existing structure on the property, such as a detached garage, the Accessory Dwelling Structure must be constructed as an addition to the other existing structure.
- e. The Accessory Dwelling Structure shall be one (1) story in height. The maximum permitted height shall be 12 feet, measured from the average grade along the foundation to the eaves. The eaves, for purposes of this section, shall be the top of the fascia at the first course of roof shingles or other roofing material.
- f. Attics without a fixed/permanent set of stairs are permitted provided that they are not used for habitable space.
- g. Basements are permitted provided that they are not used for habitable space, are unfinished and have only an exterior means of access.
- iv. The lot upon which the newly constructed

Additions are indicated by underline; and, deletions by ~~strikeout~~.

Accessory Dwelling Structure is to be located must contain at least 4,000 square feet.

E. No additional parking demand shall be deemed created, and no additional off-street parking shall be required, as a result or condition of the conversion of an Accessory Dwelling Unit to an Age-Restricted Accessory Dwelling Unit Accessory Dwelling Unit.

F. If the Main Dwelling Structure contains more than one (1) dwelling unit, it shall be converted into a single family residential structure and the Property Owner shall also relinquish all prior non-conforming rights, and rights by variance or similar approvals, in relation to the multi-family use of the Main Dwelling Structure.

40-6.14.4 Developer's Agreement, Deed and Other Occupancy Restrictions.

- A. No bulk variances or site plan approvals shall be required unless and to the extent that the Director determines that the proposed conversion of an Accessory Dwelling Structure requires deviations from the requirements of Section 3(iii) that exceed the Director's discretion to grant. In such event, the relief shall be sought by minor site plan application to the Zoning Board of Adjustment, with variances from the design standards set forth in Section 3(iii) above.
- B. The following conditions, in addition to any other conditions that may be imposed by the Board, shall be required if the application is granted:
 - 1. A deed restriction relinquishing all prior non-conforming rights, and rights by variance or similar approvals, in relation to the use of the Accessory Dwelling Structure, and agreeing to continue the use of the Accessory Dwelling Structure as an Age-Restricted Accessory Dwelling Units for not less than 10 years and that during the 10 year period it must be rented in accordance with this section. After the expiration of the 10-year period, nothing contained herein shall preclude the use of the Age-Restricted Accessory Dwelling Unit as a guest room or other living quarters, provided that under no circumstances may any rent be charged to, or other consideration paid by, the occupants of the dwelling. The deed restriction shall also contain the following additional provisions:
 - i. a provision prohibiting in perpetuity the rental or lease of the Age-Restricted Accessory Dwelling Unit, except to a person 62 years of age or older in accordance with the Federal Fair Housing Act and related regulations;

- ii. a provision prohibiting the expansion of the Age-Restricted Accessory Dwelling Unit;
 - iii. a provision providing that the Age-Restricted Accessory Dwelling Unit may be demolished at any time after the expiration of the initial 10-year period;
- C. If the Main Dwelling Structure contains more than one (1) dwelling unit, and is converted into a single family residential structure as provided herein, the Property Owner shall record a deed restriction relinquishing all prior non-conforming rights, and rights by variance or similar approvals, in relation to the multi-family use of the Main Dwelling Structure.
- D. All deed restrictions and like recordings required herein shall be recorded at the Property Owner's sole cost and expense. Further, all deed restrictions and like recordings required herein shall be reviewed and approved by the Planning Board Attorney and/or the Borough's COAH compliance officer prior to recording. Recorded copies of all deed restrictions and like recordings shall be provided to the Borough.
- E. All Age-Restricted Accessory Dwelling Units shall be inspected each year to ensure compliance pursuant to the Certificate of Inspection provisions of the Borough Ordinances. In addition, the principal owner of the property shall be required to annually submit an affidavit to the Zoning Officer verifying that the accessory structure continues to be occupied by an eligible resident and/or identify any changes in residency at the property. The cost of the yearly inspection shall be \$75.00. Inspections shall continue for the life of the Age-Restricted Accessory Dwelling Unit to ensure compliance with this section.

**40-6.14.5 Effect of Conversion on Other Non-Conformities,
and Timing of Same**

- A. Notwithstanding anything contained in the Development Regulations of the Borough of Belmar to the contrary, a property containing a Main Residential Structure and an Age-Restricted Accessory Dwelling Unit shall constitute a conforming use in any single-family zone. In the event that at the time of a development application to the Board of Adjustment or Planning Board, an Accessory Dwelling Unit on the subject property has not yet been certified by the Zoning Officer as an Age-Restricted Accessory Dwelling Unit, the Planning Board or Board of Adjustment, as the case may be, may grant relief subject to the owner's obtaining certification.
- B. Upon the construction of and/or conversion of an existing Age-Restricted Accessory Dwelling Unit, the

property in that it contains an Age-Restricted Accessory Dwelling Unit and a Main Dwelling Structure shall be deemed conforming as to use only and future physical expansion or modification of the Main Dwelling Structure shall not require a variance pursuant to N.J.S.A. 40:55D-70(d)(3) provided that the Age-Restricted Accessory Dwelling Unit continues to exist in accordance with this section.

- C. Upon the construction of and/or conversion of an existing Age-Restricted Accessory Dwelling Unit the square footage associated with the Accessory Dwelling Structure shall not count towards the calculation of floor area ratio, building coverage or impervious coverage of the whole property. The square footage associated with the Accessory Dwelling Structure shall not count towards storm water requirements of the Borough Ordinances, however storm water mitigation measures shall be provided, by way of example, dry wells and bio-retention basins (rain gardens).
- D. Should the Age-Restricted Accessory Dwelling Unit ever be demolished, the property shall be released from the conditions set forth herein and shall lose the conforming status as set forth in Section 40-6.14.5(B) and shall lose the benefit of the exclusion of the square foot attributable to the Age-Restricted Accessory Dwelling Unit as set forth in Section 40-6.14.5(c).

40-6.14.6 Violations.

Violation of any provision of this section shall be subject to a fine, upon conviction of \$750.00. All tickets shall require a Court appearance. In addition, the Borough reserves all rights to compel compliance with this section and any and all rights available to it, in the Superior Court of New Jersey or other court of competent jurisdiction.

SECTION VI. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION VII. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION VIII. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.